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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Jerry Pelletier, et al.**

Serial No. 09/407,804

Filed: September 28, 1999

For: **DNA SEQUENCES FROM  
STAPHYLOCOCCUS AUREUS  
BACTERIOPHAGE 77 THAT  
ENCODE ANTI-MICROBIAL  
POLYPEPTIDES**

Group Art Unit: 1651

Examiner: TU, S.

SUBMISSION OF SEQUENCE LISTING

Responsive to the Communication mailed July 11, 2000, Applicants submit herewith the "Sequence Listing" in paper copy and in computer readable form as required under § 1.824 (a).

The Sequence Listing is provided in ASCII text on the accompanying diskette and the Statement Under 37 C.F. R. § 1.821 (f) is also provided. A copy of the Notice to Comply is attached to this Response.

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 25, 2000

Date of Deposit

Ruth Saskowski

Name of Person Mailing Paper

Signature of Person Mailing Paper

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Please amend the specification by entering the enclosed Sequence Listing. The Sequence Listing was generated from the specification, Figures 1A and 1B and does not constitute new matter.

Pursuant to 37 CFR § 1.136 (a), applicants submit herewith petition for a one month extension of time. This extension of time is effective to allow timely filing of this response up to and including September 11, 2000.

Also enclosed is a check for the total amount of \$55.00 as required by 37 CFR § 1.17 (a) for the petition fee. If the enclosed fee is incorrect, please charge or credit our Deposit Account No. 50-1273 for the appropriate amount.

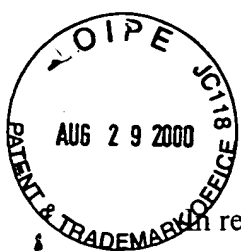
Respectfully submitted,

Brobeck, Phleger & Harrison LLP

Dated: August 25, 2000

By Wesley D. Ames  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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) Examiner: TU, S.

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1.90STATEMENT UNDER 37 C.F.R. § 1.821 (F)Commissioner of Patents  
Washington, D.C. 20231

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821 (e), (f) and (g), or § 1.825 (d) and (b) respectively, are the same.

Respectfully submitted,

Brobeck, Phleger &amp; Harrison LLP

Dated: August 25, 2000

By:

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Reg. No. 40,893Brobeck, Phleger & Harrison LLP  
12390 El Camino Real  
San Diego, California 92130-2081  
Telephone: (858) 720-2500  
Facsimile: (858) 720-2555CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 25, 2000

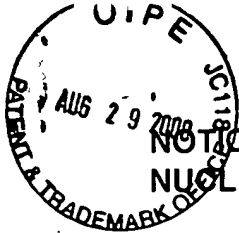
Date of Deposit

Ruth Saskowski

Name of Person Mailing Paper

Ruth Saskowski

Signature of Person Mailing Paper



Application No.: 09/407804

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
  - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
  - Email: [PATIN21HELP@uspto.gov](mailto:PATIN21HELP@uspto.gov)
  - To purchase PatentIn software: (703) 306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

